

# SENATE . . . . . No. 1657

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Cynthia Stone Creem**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act Relating to Costs of Appeals by the Commonwealth.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia Stone Creem	First Middlesex and Norfolk
Bradley H. Jones, Jr.	20th Middlesex
Christopher G. Fallon	33rd Middlesex
Colleen M. Garry	36th Middlesex

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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## AN ACT RELATING TO COSTS OF APPEALS BY THE COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 28E of Chapter 278 of the General Laws, as appearing in the 2006 Official  
2   Edition, is hereby amended by adding, after the third paragraph thereof, the following paragraph:

3   A defendant who is not indigent, as defined by Chapter 211D of the General Laws, and is therefore not  
4   entitled to public representation, is responsible for his own costs on appeal, unless the Commonwealth  
5   loses the appeal or the Commonwealth's application thereof is denied. In such cases, a defendant is  
6   entitled to be reimbursed for the costs he incurred as a result of the appeal, including reasonable  
7   attorney's fees, subject to approval of the court.